

Summary

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

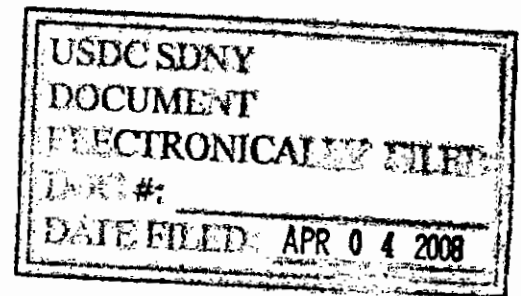
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DK ACQUISITION PARTNERS, L. P.,
KENSINGTON INTERNATIONAL LIMITED,
RUSHMORE CAPITAL-I, L. L. C., RUSHMORE
CAPITAL-II, L. L. C., and SPRINGFIELD
ASSOCIATES, LLC,

Plaintiffs,

- against -

J. P. MORGAN CHASE & CO., JPMORGAN CHASE
BANK, J. P. MORGAN SECURITIES INC., CITIGROUP
INC., CITIBANK, N.A., and CITIGROUP GLOBAL
MARKETS, INC. f/k/a Salomon Smith Barney,

Defendants.
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08 Civ. 0446 (LTS)


STIPULATION

IT IS HEREBY STIPULATED AND AGREED, by and between counsel for plaintiffs DK Acquisition Partners, L. P., Kensington International Limited, Rushmore Capital-I, L. L. C., Rushmore Capital-II, L. L. C., and Springfield Associates, LLC (collectively, the "Plaintiffs") and defendants J.P. Morgan Chase & Co., JPMorgan Chase Bank, J.P. Morgan Securities Inc., Citigroup Inc., Citibank, N.A. and Citigroup Global Markets, Inc. f/k/a Salomon Smith Barney (collectively, the "Defendants"), pursuant to Rule 15(a) of the Federal Rules of Civil Procedure, that (i) Defendants consent to the filing of Plaintiffs' Second Amended Complaint dated March 25, 2008; (ii) Plaintiffs and Defendants will not argue that the filing of the Second Amended Complaint renders moot Plaintiffs' Motion for Partial Summary Judgment (*DK Acquisition* Docket Number 153), Defendants' Motion for Judgment on the Pleadings (*DK Acquisition* Docket Number 220), or Defendants' Motion for Summary Judgment (*DK*

Acquisition Docket Number 237) (collectively, the "Pending Motions"), requires any re-briefing in connection therewith, or otherwise affects the Pending Motions; (iii) Defendants shall have 30 days from the date of the filing of the Second Amended Complaint to respond to the Second Amended Complaint; and (iv) facsimile signatures shall be deemed to be original signatures for the purpose of this stipulation, which may be executed in counterparts.

Dated: March 26, 2008

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ENTER:

Judge Laura Taylor Swain

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4/4/08
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